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Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
Seventh meeting
Geneva, 4–15 May 2015
Item 5 (b) of the provisional agenda*

Matters related to the implementation of the Convention: consideration of chemicals for inclusion in Annex III to the Convention

Chemical Review Committee: developments for action by the Conference of the Parties

Note by the Secretariat

I. Introduction

1. The Chemical Review Committee held its ninth and tenth meetings in Rome from 22 to 25 October 2013 and from 22 to 24 October 2014, respectively. The reports of those meetings are available in documents UNEP/FAO/RC/CRC.9/11 and UNEP/FAO/RC/CRC.10/10, respectively.[1]

II. Issues of relevance to the Conference of the Parties

A. Membership and election of the Chair

2. As requested by the Conference of the Parties in paragraph 10 of decision RC-6/3, at its ninth meeting the Committee identified Mr. Jürgen Helbig (Spain) as Chair of the Committee on an interim basis for its tenth meeting. The Conference of the Parties is expected to confirm the election of the Chair at its seventh meeting.

* UNEP/FAO/RC/COP.7/1.

[1] See http://www.pic.int/tabid/1058/Default.aspx.

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3. In furtherance of decision RC-6/3, the following 17 experts were nominated, on an interim basis, as members of the Committee to serve a four-year term from 1 May 2014 to 30 April 2018:

African States	Mr. Peter Ayuk Enoh (Cameroon), Mr. Mohammed Ali Mohammed (Ethiopia), Ms. Amal Lemsioui (Morocco) and Mr. N'Ladon Nadjo (Togo)
Asia-Pacific States	Ms. Sun Jinye (China), Mr. Mohd Fauzan Yunus (Malaysia), Ms. Khalida Bashir (Pakistan) and Ms. Nuansri Tayaputch (Thailand)
Central and Eastern European States	Ms. Magdalena Frydrych (Poland) and Ms. Tatiana Tugui (Republic of Moldova)
Latin American and Caribbean States	Mr. Malverne Spencer (Antigua and Barbuda), Ms. Elsa Ferreras de Sanchez (Dominican Republic) and Ms. Ana Gabriela Salgado (Honduras)
Western European and other States	Mr. Jack Holland (Australia), Mr. Jeffery Goodman (Canada), Ms. Leonarda Christina van Leeuwen (Netherlands) and Mr. Jürgen Helbig (Spain)

4. In addition, during the period between the eighth and ninth meetings of the Committee, India designated Mr. Ram Niwas Jindal to replace Mr. Manoranjan Hota; Mexico designated Mr. Arturo Gavilán García to replace Ms. Leonor Becerril; and, during the period between the ninth and tenth meetings of the Committee, the Gambia designated Mr. Omar Bah to replace Mr. Alieu Sallah.

5. The curricula vitae of the experts mentioned in paragraphs 3 and 4 above can be found in the information notes by the Secretariat on the rotation of the membership and experts nominated as members of the Chemical Review Committee (UNEP/FAO/RC/CRC.9/INF/4) and on newly designated members of the Chemical Review Committee and the forthcoming rotation of the membership in May 2016 (UNEP/FAO/RC/CRC.10/INF/3). All designated experts have submitted completed declaration of interest forms, in accordance with decision RC-1/7. The formal appointment of those experts as members of the Committee is expected to be made by the Conference of the Parties at its seventh meeting.

6. The terms of office of the remaining 14 members will expire on 30 April 2014. At its seventh meeting, the Conference of the Parties will need to decide on a list of parties that are to designate experts to fill the forthcoming vacancies on the Committee, subject to appointment by the Conference of the Parties at its eighth meeting. Each region should identify, through regional consultations, those parties that are to nominate members of the Committee and submit the names of experts to the Secretariat before the end of the meeting.

B. Recommendations on listing new chemicals

7. In accordance with Articles 5, 6 and 7 of the Convention, the Chemical Review Committee decided to recommend to the Conference of the Parties that the following five chemicals, two of which are severely hazardous pesticide formulations, be listed in Annex III to the Convention, and finalized the text of related draft decision guidance documents:

(a) Trichlorfon;[2]

(b) Methamidophos;[3]

(c) Chrysotile asbestos;[4]

(d) Fenthion (ultra-low-volume (ULV) formulations at or above 640 g active ingredient/L);[5]

(e) Liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L.[6]

[2] See UNEP/FAO/RC/COP.7/9 and Add.1, UNEP/FAO/RC/COP.7/INF/10 and UNEP/FAO/RC/COP.7/INF/11.

[3] See UNEP/FAO/RC/COP.7/7 and Add.1, UNEP/FAO/RC/COP.7/INF/6 and UNEP/FAO/RC/COP.7/INF/7.

[4] See UNEP/FAO/RC/COP.7/11 and Add.1.

[5] See UNEP/FAO/RC/COP.7/8 and Add.1, UNEP/FAO/RC/COP.7/INF/8 and UNEP/FAO/RC/COP.7/INF/9.

[6] See UNEP/FAO/RC/COP.7/10 and Add.1.

8. Pursuant to paragraph 2 of Article 21 of the Convention, on 31 October 2014, six months before the seventh meeting of the Conference of the Parties, the Secretariat communicated the recommendations to the parties and signatories to the Convention and, for information, to the Depositary. A compilation of submissions by parties relating to the recommendations is available in document UNEP/FAO/RC/COP.7/INF/34.

C. Chemicals under consideration

9. At its tenth meeting, the Committee reviewed the notifications and supporting documentation on short-chained chlorinated paraffins submitted by Canada and Norway and concluded that they met the criteria set out in Annex II to the Convention. Subsequently, the Committee adopted decision CRC-10/4, in which it recommended to the Conference of the Parties that it consider listing short-chained chlorinated paraffins in Annex III to the Convention as industrial chemicals. By the same decision, the Committee adopted the rationale for its conclusion and decided to prepare a draft decision guidance document for the short-chained chlorinated paraffins during the intersessional period between its tenth and eleventh meetings.

10. Furthermore, at its tenth meeting, the Committee reviewed a notification and supporting documentation on tributyltin compounds under the industrial category submitted by Canada and concluded that they met the criteria set out in Annex II to the Convention. Taking into account its previous conclusion that the notifications for tributyltin compounds under the pesticide category submitted by Canada and the European Union met the criteria in Annex II[7] and recalling decision RC-4/5, by which the Conference of the Parties decided to amend Annex III to the Convention to list tributyltin compounds as pesticides and adopted the decision guidance document for those substances,[8] the Committee adopted decision CRC-10/5, in which it recommended to the Conference of the Parties that it consider listing tributyltin compounds in Annex III to the Convention as industrial chemicals. By the same decision, the Committee adopted the rationale for its conclusion and decided to prepare a draft decision guidance document for tributyltin compounds for the industrial category by revising the decision guidance document adopted by the Conference of the Parties in decision RC-4/5 to include information relevant to the industrial category for the chemicals.

11. The Committee's recommendations to list short-chained chlorinated paraffins and tributyltin compounds in Annex III to the Convention as industrial chemicals and the respective draft decision guidance documents will be forwarded to the Conference of the Parties for consideration at its eighth meeting.

D. Cooperation and coordination with other scientific bodies

1. Back-to-back meetings of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee

12. To strengthen cooperation and coordination between the Chemical Review Committee and the Persistent Organic Pollutants Review Committee of the Stockholm Convention on Persistent Organic Pollutants, their ninth and tenth meetings were held back-to-back in Rome in October 2013 and 2014. At their tenth meetings, the committees agreed to hold their eleventh meetings back-to-back during the two-week period between 19 and 30 October 2015 in Rome.[9]

2. First joint meeting of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee

13. In accordance with paragraph 3 of decision RC-6/3 and paragraph 7 of decision SC-6/14, the first joint meeting of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee was held on 20 October 2014. (seeUNEP/FAO/RC/POPS/CRC-POPRC.1/7).[10]

14. At the joint meeting, the committees exchanged scientific information relating to the identification and listing of chemicals, the processes and contents of technical documents developed by the committees, and the experiences in decision-making by the committees. The committees noted that further work on enhancing cooperation and coordination among themselves could take place in the future and that the item would be on the agenda of future meetings of the committees.

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[7] UNEP/FAO/RC/CRC.2/20, annex II, sect. B.

[8] UNEP/FAO/RC/COP.4/10, annex V.

[9] The Persistent Organic Pollutants Review Committee and the Chemical Review Committee tentatively agreed to meet from 19 to 23 October 2015 and from 26 to 30 October 2015, respectively. The length of the meetings might be adjusted by the respective Chair, in consultation with the Bureau or the vice-chair, depending on the work requirements.

[10] Available at http://synergies.pops.int/tabid/3400/Default.aspx.

15. As requested in paragraph 21 of the omnibus decision on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions,[11] the committees discussed alignment of their working arrangements and took note of a number of initiatives that the Secretariat had taken to harmonize the organizing and running of and follow-up to the meetings of the conferences of the parties and subsidiary bodies of the three conventions. For example, the floor would generally be given to observers in plenary before taking decisions and contact groups would be set up to allow the participation of observers if further discussion of an issue was needed. Contact groups could later on be converted into drafting groups limited to the participation of members to finalize the drafting work.

16. Furthermore, in response to paragraph 22 of the omnibus decision, the committees established a joint intersessional working group to prepare draft guidance to assist parties to the Rotterdam Convention and the Chemical Review Committee in their work when a chemical under consideration was a persistent organic pollutant listed under the Stockholm Convention.[12] At their tenth meetings, the committees reviewed the draft guidance and adopted decisions CRC-10/6 and POPRC-10/6, by which they requested the group to finalize the draft guidance and submit it to the conferences of the parties to the Rotterdam and Stockholm conventions at their respective seventh meetings. The draft guidance is set out in the information note by the Secretariat on the issue (UNEP/FAO/RC/CRC.10/INF/14/Rev.1).

3. Feedback from the back-to-back meetings and the joint meeting of the committees

17. In response to the requests in paragraph 5 of decision RC-6/3 and paragraph 8 of decision SC-6/14, the Secretariat collected information on the experience in the organization of and the benefits gained from the back-to-back meetings and the joint meeting of the committees from participants of those meetings, as set out in the annex to its information note on the issue (UNEP/FAO/RC/CRC.10/INF/16). In paragraph 2 of decisions CRC-10/6 and POPRC-10/6, the committees requested the Secretariat to report to the conferences of the parties to the Rotterdam and Stockholm conventions at their seventh meetings on the benefits gained from and any negative impact of the back-to-back meetings of the committees and on the experience in the organization of the joint meeting, on the basis of the information collected.

4. Support for the work of and coordination between the scientific bodies of the conventions

18. As part of the activities to support the coordination and collaboration of scientific bodies of the Basel, Rotterdam and Stockholm conventions,[13] the Secretariat facilitated information exchange among those bodies, including by making relevant documents developed by one committee available to the meeting of the other committee. In addition, an online roster of experts[14] has been developed by the Secretariat at the request of the conferences of the parties to the three conventions in 2011.[15] The roster contains the curriculum vitae and other details of the members and other experts associated with the three conventions. The experts on the roster will be requested to review and update their entries in the roster every two years.

E. Activities for the effective participation of members and parties in the work of the Committee

19. In its decision RC-6/3, the Conference of the Parties requested the Secretariat to continue to organize orientation workshops for the effective participation of new members in the work of the Committee and to report on the results of that activity to the Conference of the Parties at its seventh meeting.

20. The Secretariat conducted an orientation workshop in Rome from 19 to 21 May 2014, to acquaint new members with the operations of the Committee, including the working procedure and policy guidance documents that the Committee uses to achieve consistency in its work, review of notifications of final regulatory action and the proposals for listing severely hazardous pesticide formulations, and preparation of decision guidance documents. A total of 24 of the 31 Committee members attended the orientation workshop.

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[11] Decisions BC.Ex-2/1, RC.Ex.2/1 and SC.Ex-2/1.

[12] UNEP/FAO/RC/POPS/CRC-POPRC.1/7, para. 44.

[13] Activity 12 of the programme budget for the biennium 2014–2015, decisions BC-11/26, RC-6/16 and SC-6/30.

[14] See http://synergies.pops.int/tabid/3791/Default.aspx.

[15] Decisions BC-10/29, RC-5/12 and SC-5/27, annex I.

21. As part of the technical assistance programme of the Rotterdam Convention,[16] the Secretariat organized other face-to-face training activities for the Committee and other stakeholders and held a series of webinars on topics related to the work of the Committee.[17] Those activities also contributed to the work on enhancing cooperation and coordination among the scientific bodies of the three conventions.

22. The Secretariat organized two subregional training workshops on enhancing effective participation in the work of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee: from 19 to 21 November 2013 in Dakar, for French-speaking African countries, in cooperation with the Basel and Stockholm Conventions Regional Centre in Senegal; and from 10 to 12 February 2015 in Lusaka, for English-speaking African countries, in cooperation with the Basel Convention Coordinating Centre for the African Region in Nigeria. The workshops addressed the following key issues: benefits for parties and others of participating in the work of the committees; listing of new chemicals under the Rotterdam and Stockholm conventions; and reinforcing national capacities to collect and share information at the national level.

23. In addition, the Secretariat compiled the working procedures and policy guidance for the Chemical Review Committee as a handbook and published it on the Convention website.[18]

24. At the tenth meeting of the Committee, several members expressed appreciation for the Secretariat's efforts in organizing the activities, in particular praising the effectiveness of the orientation workshop for new members. A further orientation workshop is proposed in the programme of work and budget for the biennium 2016–2017.

F. Amendment to the process for drafting decision guidance documents and accompanying explanatory notes

25. At its second meeting, the Conference of the Parties adopted the process for drafting decision guidance documents and accompanying explanatory notes as set out in the annex to decision RC-2/2. In paragraph 14 of decision RC-6/3, the Conference of the Parties adopted the amendment to section B.1 (6) of the process relating to decision guidance documents for chemicals notified as banned or severely restricted in accordance with Article 5, as proposed in paragraph 24 of the note by the Secretariat (UNEP/FAO/RC/COP.6/6), to read:

> The draft decision guidance document (in the six official languages of the United Nations) and the tabular summary of comments will be distributed as a meeting document for discussion at a Chemical Review Committee meeting for finalization and approval.

26. For consistency, the Conference of the Parties may wish to consider amending section B.2 (6) of the process relating to decision guidance documents for severely hazardous pesticide formulations proposed in accordance with Article 6, in the same manner as section B.1 (6).

III. Proposed action

27. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the information provided in the reports of the Chemical Review Committee on the work of its ninth and tenth meetings;[19]

2. *Appoints* the 17 designated experts to serve as members of the Committee;[20]

3. *Adopts* the list of 14 parties to nominate Committee members for terms of office commencing on 1 May 2016 set out in the annex to the present decision;

4. *Elects* Mr. Jürgen Helbig (Spain) as the Chair of the Committee;

[16] See UNEP/FAO/RC/COP.6/INF/19.

[17] See UNEP/FAO/RC/CRC.10/INF/17.

[18] http://www.pic.int/crcguidance/.

[19] UNEP/FAO/RC/CRC.9/11 and UNEP/FAO/RC/CRC.10/10.

[20] See UNEP/FAO/RC/CRC.9/INF/4 and UNEP/FAO/RC/CRC.10/INF/3.

5. *Welcomes* the guidance to assist parties to the Rotterdam Convention and the Chemical Review Committee in their work when a chemical under consideration is a persistent organic pollutant listed under the Stockholm Convention;[21]

6. *Takes note* of the information provided by the Secretariat on the experience in the organization of the back-to-back meetings and the joint meeting of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee; [22]

7. *Welcomes* the handbook of working procedures and policy guidance for the Chemical Review Committee;[23]

8. *Takes note* of the holding of an orientation workshop for new members and requests the Secretariat to continue, subject to the availability of resources, to organize such workshops and to report on the results of that activity to the Conference of the Parties at its eighth meeting;

9. *Adopts* the amendment to section B.2 (6) of the process for drafting decision guidance documents and accompanying explanatory notes[24] as proposed in paragraph 26 of the note by the Secretariat.[25]

Annex to decision RC-7/[ ]

List of parties identified by the Conference of the Parties at its seventh meeting to nominate Chemical Review Committee members whose terms of office commence on 1 May 2016

[To be completed for the African States (4), Asia-Pacific States (4), Central and Eastern European States (1), Latin American and Caribbean States (2), Western European and other States (3)]

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[21] See UNEP/FAO/RC/CRC.10/INF/14/Rev.1.

[22] See UNEP/FAO/RC/CRC.10/INF/16.

[23] www.pic.int/crcguidance.

[24] Decision RC-2/2, annex.

[25] UNEP/FAO/RC/COP.7/6.